

DEPARTMENT of the INTERIOR

news release

FISH AND WILDLIFE SERVICE

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FINAL RULES ADOPTED FOR LISTING, DELISTING ENDANGERED SPECIES

Final rules for making additions, deletions, and other changes in the U.S. List of Endangered and Threatened Wildlife and Plants have been published by the Departments of the Interior and Commerce. The regulations implement the 1978 and 1979 amendments to the Endangered Species Act.

"These final rules explain the procedures both departments follow in listing species and determining critical habitat," said Lynn A. Greenwalt, Director of Interior's U.S. Fish and Wildlife Service. "They also include expanded opportunity for public participation in our decision making process."

The Endangered Species Act is administered by the Fish and Wildlife Service of the Department of Interior, and for marine species, by the National Marine Fisheries Service of the Department of Commerce's National Oceanic and Atmospheric Administration.

The final regulations spell out the criteria for deciding whether a species qualifies for listing, delisting or reclassification; the procedures for submitting and acting on petitions and emergency rules; and the content of proposed and final regulations. Procedures for periodic review of the list and for considering economic and other impacts associated with critical habitat designations are also outlined.

Opportunity for public participation will be increased by publishing notice of proposed actions in local newspapers and scientific journals; notifying local officials, interested parties, and other government agencies; and holding public meetings in or near the affected area. State Governors and foreign governments are also consulted on species that occur under their respective jurisdictions.

"Endangered" means that a species is threatened with extinction throughout all or a significant portion of its range. "Threatened" means that the species is likely to become endangered in the foreseeable future.

In order to qualify for listing, a species must be threatened by one or a combination of the following factors: loss or destruction of suitable habitat; disease or predation; commercial, sporting, scientific, or educational activities; inadequate protective laws; or other natural or man-made factors.

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Critical habitat designations will be based on the biology and conservation needs of the species, such as space for individual and population growth, cover, shelter, food, water, air, light and other nutritional needs, and sites for breeding, reproduction, and rearing of offspring. In the case of plants, this also will include the necessary sites for germination and seed dispersal. Critical habitat proposals will include an economic analysis, indicate activities that might have an adverse effect on the species, and consider the impact that such designations might have on the local area involved.

After a species is listed, it is illegal for anyone under the jurisdiction of the United States to take wildlife (but not plants) and to import, export, ship, sell, or offer wildlife or plants for sale in interstate or foreign commerce without a Federal permit. In addition, Federal agencies are required to consult with the Services to ensure that actions they authorize, fund, or carry out do not jeopardize a listed species' continued existence, or are not likely to destroy or adversely modify its critical habitat. The consultation requirement applies whether or not critical habitat has been designated.

The final rules incorporate many of the changes suggested by more than 70 members of the public, governors, other elected officials and private and public conservation agencies since the rulemaking was proposed in the August 15, 1979, Federal Register. The rules, published in final form in the February 27, 1980, Federal Register, take effect March 28, 1980.

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